

## How to Use the WSCA/NASPO PC Contracts 2009-2014 Statewide Contract

Contract #: ITC44	Contract Duration: 12/11/2009 to 3/31/2015
MMARS #: ITC44*	Options to renew: none
Contract Manager: Tim Kennedy 617-720-3107 tim.kennedy@state.ma.us	
This contract contains: Supplier Diversity Program (SDP)	

### Purpose of Update

This update announces the extension of the Commonwealth statewide contract in order to allow time for the WSCA/NASPO\* sourcing team to finalize negotiations with vendors and to award the new 2014 – 2019 master contracts. When the new master contracts become available, OSD intends to negotiate participating addenda with select vendors, forming the basis for new statewide contract ITC56.

\*WSCA-NASPO, Western States Contracting Alliance - National Association of State Procurement Officials is a national cooperative purchasing organization serving all 50 states in the U.S.

### Contract Summary

This is a NASPO/WSCA Cooperative contract for the purchase of Computer Equipment, Peripherals, and Related Services. Statewide Contract ITC44 is the result of a cooperative procurement that was completed by the state of Minnesota for use by WSCA/NASPO participants. As a result, to use this contract OSD has executed a "Participating Addendum" with each vendor, which can be found under each Vendor's COMMBUYS Master Blanket Purchase Order.

### Vendors and Products

#### Apple, Inc.

Personal computers, monitors, mobile devices, servers, workstations, storage solutions, computer equipment maintenance and support.

#### Note regarding Apple products and services

The ITC44 statewide contract with Apple, Inc. is based upon the WSCA/NASPO PC Contracts 2009 - 2014 Master Agreement with Apple, as amended via a Participating Addendum between the Commonwealth and Apple. The amended Participating Addendum with Apple clarifies terms differently than most other statewide contracts in the following areas:

- Title passage and risk of loss
- Warranties
- Patent, copyright, trademark and trade secret indemnification
- Indemnification, hold harmless and limitation of liability

The Master Agreement and the Participating Addendum with its amendment are available on the Attachments tab of the ITC44 contract record on COMMBUYS at [www.commbuys.com](http://www.commbuys.com). Buyers are cautioned to become familiar with these documents, along with any license terms (including click-through agreements) before purchasing products, services, and apps sold by Apple. Similar products, services, and apps are available from vendors on other statewide contracts subject to

standard Commonwealth terms and conditions such as the statewide contract for IT Hardware and Services, ITC47.

**Oracle America, Inc.**

Storage Solutions and Engineered Systems, e.g. Exadata.

**The contract with Oracle is not active. Negotiations with Oracle are underway to extend the contract through March 31, 2015.**

**Excluded Products and Services:**

- Software
- Personal computers (except Apple)
- Mobile PDA's (except Apple)
- Peripherals
- Leasing
- Professional Services\*

\*Vendors may offer professional services related ONLY to the equipment and configuration of the equipment that was purchased through this statewide contract.

## Who Can Use This Contract?

**Applicable Procurement Law:** MGL c. 7, § 22; c. 30, § 51, § 52; 801 CMR 21.00

**Eligible Entities:**

01. Cities, towns, districts, counties and other political subdivisions
02. Executive, Legislative and Judicial Branches, including all Departments and elected offices therein;
03. Independent public authorities, commissions and quasi-public agencies
04. Local public libraries, public school districts and charter schools;
05. Public Hospitals, owned by the Commonwealth;
06. Public institutions of high education
07. Public purchasing cooperatives;
08. Non-profit, UFR-certified organizations that are doing business with the Commonwealth; and
09. Other entities when designated in writing by the State Purchasing Agent.

## Pricing and Purchase Options (All Categories)

**Purchase Options**

Most purchases made through this contract will be outright purchases...Services can be hourly rate or fixed price (such as an annual maintenance contract). **Leasing is prohibited under this contract.** The statewide contract for IT Asset Lease Services, ITC49, may be used for leasing purposes (i.e., after receiving a quote from a vendor on this contract, you may arrange for lease payments through an ITC49 vendor).

**Pricing and buying details**

All orders placed under this contract must include the following statement: "This order is placed under Statewide Contract ITC44." Otherwise, the order will not be considered "use of a Statewide Contract" for procurement purposes. In addition it is recommended that the following language be included: "All of the terms and conditions of the Statewide Contract ITC44 are incorporated herein and made a part hereof. Conflicting or additional terms, conditions or agreements included in or attached to this form shall be considered to be superseded and void."

**Apple Product Quotes**

Eligible Entities must request a quote from Apple and indicate the product number/part number or a detailed description of the requested item, required quantity, and the anticipated delivery date. If an

Eligible Entity prefers/elects to pick up the product at a local retail store it must be indicated in the quote.

This Agreement is NOT for the purchase of major, large hardware or hardware & software offerings. In general, individual units/configurations for servers and storage (SANs, etc.) should not exceed \$500,000 each. Desktop per unit/configuration costs should not exceed \$100,000.

### Oracle America Quotes

Eligible Entities must request quotes from Oracle. Pricing must be in accordance with WSCA pricing.

## Additional Information

All equipment provided under the statewide contract will be new and unused. Factory seconds or remanufactured equipment will not be accepted unless specifically identified by the eligible entity.

**Operating manuals:** Operating manuals MUST be provided by the vendor for all equipment purchased under this contract.

**Recycling/Takeback:** For a fee, Vendors may recycle/take back their products (CPUs, servers, monitors, flat panel displays, notebook computers, and printers). For additional information and pricing send a request for quote to the vendor.

**What to do with used computer equipment:** Eligible Entities purchasing new equipment should dispose of the used hardware in environmentally responsible ways.

1. Use your organization's surplus property policies and procedures.
2. Use the statewide contract for the disposal of hazardous waste, FAC82 – Category 7: electronic equipment.
3. Inquire about programs vendors on ITC44 may offer.

## Where to Find Contract Information on COMMBUYS

Each of the vendors on this contract has been assigned a unique Master Blanket Purchase Order (MBPO) number. Vendor pricing is located in the line item catalog and in the cost table spreadsheet documents located in the attachments tab on the MBPO for each vendor.

To access vendor contracts, the Request for Response (RFR), related documents and form, please go to the [COMMBUYS](http://www.commbuys.com) (www.commbuys.com) website. Click on "Contract & Bid Search" then, select the "Contracts/Blankets" radio button.

- Enter "ITC44" in the Contract/Blanket Description field
- Select "Statewide Contract" from the Type Code pull-down menu
- Click "Find It"

<a href="#">Contract/Blankets #</a>	<a href="#">Description</a>	<a href="#">Vendor Name</a>
<a href="#">PO-14-1080-OSD01-OSD10-00000001337</a>	ITC44 - WSCA/NASPO PC Contracts 2009 - 2014	Apple, Inc.